



MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
E-mail: Michael.Lowry@wilsonelser.com
CHRIS J. RICHARDSON, ESQ.
Nevada Bar No. 9166
E-mail: Chris.Richardson@wilsonelser.com
6689 Las Vegas Boulevard South, Suite 200
Las Vegas, NV 89119
Tel: 702.727.1400/Fax: 702.727.1401
Attorneys for LVGV, LLC; Penn Entertainment, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Raymond Finn

Plaintiff,

vs.

LVGV, LLC dba The M Resort Spa and Casino, a
Domestic Limited-Liability Company; Penn
Entertainment, Inc., Foreign Corporation; Michael
Williams, a Nevada resident, Does 1 through 10, and
Roe Corporations 1 through 20, inclusive,

Defendants.

Case No.: 2:24-cv-373

**Stipulated Discovery Plan and
Scheduling Order**

Comes now Plaintiff Raymond Finn (“Plaintiff”) and Defendants LVGV, LLC and Penn Entertainment, Inc. (collectively “Defendants”), by and through their respective undersigned counsel, pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1 and propose the Discovery Plan and Scheduling Order set forth herein.

a. Meeting. Pursuant to FRCP 26(f) and LR 26-1, a telephonic meeting was held on March 26, 2024, and was attended by counsel for Plaintiff, Jordan Schnitzer and Chris Richardson, Esq., counsel for Defendants.

b. Date for Exchange of Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1): April 9, 2024 – this is fourteen days from the date of the Rule 26(f) Conference.

c. Date for the Exchange of Disclosures Pursuant to Federal Rule of Civil Procedure

1 26(a)(2): Disclosures identifying experts and final expert reports shall be made by December 20,
2 2024. This is slightly more than 90 days before the discovery cut-off date to avoid deadlines during
3 holidays.

4 d. Date for the Exchange of Rebuttal Disclosures Pursuant to Federal Rule of Civil
5 Procedure 26(a)(2): Rebuttal expert disclosures shall be made by January 26, 2024. This is 60 days
6 before discovery closes and slightly more than 30 days after the initial disclosure of experts due to
7 Christmas and New Year's holidays.

8 e. Subjects on Which Discovery May be Needed: (i) Plaintiff's claims regarding the
9 alleged assault at the M Casino; (ii) damages stemming from the events of which Plaintiff complains
10 of herein; (iii) the affirmative defenses pleaded by the Defendants herein; and (iv) other matters
11 reasonably embraced within the scope of the pleadings, including the allegations of Plaintiff as
12 advanced in his complaint.

13 f. Date for the Close of Discovery: The discovery cutoff date is March 26, 2025. This
14 is one year after the FRCP 26 conference. The parties believe the additional time is warranted due
15 to the nature of the case. Specifically, this is generally a negligent security case surrounding an
16 incident at a hotel/casino. There will likely need to be many non-party witnesses deposed, as well
17 as employees and representatives. Further, Plaintiff's injuries resulted in an alleged traumatic brain
18 injury. Discovery relating to traumatic brain injury claims require additional time than typical injury
19 cases.

20 g. Phasing and Limitations on Discovery: Plaintiff and Defendants have agreed to stay
21 discovery as to Penn Entertainment, Inc., for 30 days to April 29, 2024. This will allow the Court
22 to consider the merits of Penn Entertainment, Inc.'s pending Motion to Dismiss for Lack of Personal
23 Jurisdiction and Plaintiff's pending Motion to Remand to Nevada State District Court.

24 h. Electronically Stored Information: The parties agree electronically stored information
25 may be produced in any common format, inclusive of PDF format, except where the veracity or
26 timeliness of a given item is specifically implicated, in which case the subject item shall be produced
27 in native format.
28

1 i. Claim of Privilege: It is not anticipated this case will meaningfully bear on privileged or
2 protected matter. The parties agree to voluntarily destroy any inadvertently produced privileged matter,
3 and that such an inadvertent productions shall not constitute a waiver of the attorney/client privilege
4 or the attorney work product doctrine.

5 j. Changes to Limitations on Discovery: None.

6 k. Deadline to Amend Pleadings or Add Parties: The deadline to amend shall be
7 December 26, 2024; the deadline to add parties shall also be December 26, 2024. This is 90 days
8 prior to the close of discovery.

9 l. Deadline for the Filing of Dispositive Motions: April 28, 2025. This is 30 days after
10 the discovery cut-off date.

11 m. Deadline for the Filing of a Joint Pretrial Order: May 28, 2025. This is 30 days after
12 the deadline for filing dispositive motions.

13 n. Deadline for Exchange of Disclosures Pursuant to Federal Rule of Civil Procedure
14 26(a)(3): Pretrial disclosures shall disclosed in the Joint Pretrial Order.

15 o. Alternative Dispute Resolution: Counsel for the Plaintiff and the Defendants have
16 conferred concerning alternative dispute resolution, and will work amicably through their counsel to
17 assess the potential upside of mediation as the case progresses.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///


26 ///

27 ///

28 ///

p. Alternative Forms of Case Disposition: The undersigned parties certify that they have considered consent to trial by a magistrate judge under 28 U.S.C. § 63 (c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program.

DATED this 12th day of April, 2024.

 <p><u>/s/ Chris Richardson</u> MICHAEL P. LOWRY Nevada Bar No. 10666 CHRIS J. RICHARDSON Nevada Bar No. 9166 Attorneys for LVGV, LLC; Penn Entertainment, Inc.</p>	<p>THE SCHNITZER LAW FIRM</p> <p><u>/s/ Jordan Schnitzer</u> JORDAN P. SCHNITZER Nevada Bar No. 10744 KRISTINA L. BLACK Nevada Bar No. 12699 710 South 9th Street, Suite 2 Las Vegas, NV 89101 Attorneys for Plaintiff</p>
--	--

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: April 15, 2024